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Attorneys for Defendant FISERV, INC.

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

DR. LAKSHMI ARUNACHALAM,

Plaintiff,

v.

APPLE INC., *et al.*,

Defendants.

Case No. 5:18-cv-1250-EJD

**DEFENDANT FISERV INC.'S RESPONSE IN
OPPOSITION TO PLAINTIFF'S MOTION
FOR SUMMARY JUDGMENT AGAINST
ALL DEFENDANTS**

Date: July 12, 2018

Time: 9:00 AM

Dept.: Courtroom 4, 5th Floor

Judge: Hon. Edward J. Davila

1 Defendant Fiserv, Inc. (“Fiserv”) respectfully urges the Court to deny Plaintiff’s
2 “Motion for Summary Judgment Against All Defendants...” (Dkt. No. 168). Plaintiff’s filing
3 is yet another paper that is filled with incomprehensible, frivolous arguments and irrelevant
4 material. Plaintiff offers no justifiable basis for granting summary judgment against Fiserv but
5 instead accuses counsel for another party of “witness tampering/obstruction of justice.” (*Id.* at
6 1). For at least the following reasons, Plaintiff’s motion should be denied and Plaintiff barred
7 from filing any further motions involving Fiserv until the Court has ruled on Fiserv’s pending
8 motion to dismiss.

9 *First*, Plaintiff’s motion is procedurally improper. Every defendant, including Fiserv,
10 has moved to dismiss Plaintiff’s Complaint. No discovery has been taken and no case
11 schedule has been set. Granting summary judgment against Fiserv or any other defendant
12 would be improper under these circumstances—even in a normal case. It would be
13 particularly improper here given the many deficiencies in Plaintiff’s Complaint and the nature
14 of Plaintiff’s allegations.

15 *Second*, Plaintiff’s motion has nothing to do with Fiserv or the merits of her alleged
16 claims. In the filing, Plaintiff requests that summary judgment be granted against “ALL
17 Defendants” because counsel for another party contacted an acquaintance of Plaintiff’s, Bishop
18 Entwistle, after she submitted a letter to counsel from him when requesting an extension. (*See*
19 Dkt. No. 168 at 2-9). Fiserv is not mentioned in the motion and Plaintiff offers no reason why
20 judgment should be entered against Fiserv. Moreover, nothing in her motion suggests, shows,
21 or even relates to a purported lack of disputed fact regarding every element of Plaintiff’s many
22 claims with respect to any defendant, much less Fiserv.

23 *Third*, to the extent Plaintiff’s motion is viewed as a request for sanctions against
24 Fiserv in the form of summary judgment due to the communication between counsel for
25 another defendant and Bishop Entwistle, that request should be denied. Nothing in Plaintiff’s
26 motion shows any form of sanctionable or otherwise improper conduct or a violation of any
27 court order or rules, much less any willful or bad faith conduct by Fiserv. Any form of
28 terminating or other sanctions would be unjustified.

1 For at least these reasons, Fiserv requests that the Court deny Plaintiff's Motion for
2 Summary Judgment Against All Defendants as to Fiserv and prohibit Plaintiff from filing any
3 additional motions regarding Fiserv until after the Court has ruled on the pending motions to
4 dismiss.

5 DATED: May 22, 2018

PERKINS COIE LLP

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7 By: /s/ Lane M. Polozola
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CERTIFICATE OF SERVICE

I hereby certify that on May 22, 2018, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the plaintiff and all counsel of record for the parties.

/s/ Lane M. Polozola
Lane M. Polozola